# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/712,207 | 11/12/2003 | Rajesh Shah | P17145 | 8273 |

46915          7590          12/03/2007
KONRAD RAYNES & VICTOR, LLP.
ATTN: INT77
315 SOUTH BEVERLY DRIVE, SUITE 210
BEVERLY HILLS, CA 90212

| EXAMINER |
|---|
| SEYE, ABDOU K |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2194 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 12/03/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | Application No. | Applicant(s) | |
|---|---|---|---|
| ***Advisory Action*** <br> ***Before the Filing of an Appeal Brief*** | 10/712,207 | SHAH ET AL. | |
| | Examiner | Art Unit | |
| | Abdou Karim Seye | 2194 | |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED <u>13 November 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-40*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

As to claims 1 and 28 , applicant argues that " The Examiner has not cited any part of DiCorpo disclosing the claim requirements concerning initializing a device interface driver to represent the device hardware as a virtual bus". The examiner disagrees, since the initialization process of the device driver consist of creating a device object supported by a device hardware. DiCorpo teaches in the (abstract and paragraph 36; 80) creating a device object for configuring the access to hardware storage resources and a virtualization of the process through data transfer and media movement operations. Also DiCorpo teaches in (paragraph 63) a possible usage of the ISCSI driver which is well known in the art as associated with virtual bus for routing user access to hardware storage resources. Therefore these elements of DiCorpo's reference meet the clamed limitation of these claims.

As to claims 2, 15 and 29 , applicant argues that "There is no disclosure of notifying the operating system that devices and a virtual bus are dependent ". The examiner disagrees since, DiCorpo teaches in( FIG. 5) processor operations including devices and controllers that need communication buses for accessing hardware storage resources. Therefore this teaching of DiCorpo's reference meet the clamed limitation of these claims.

As to claims 4, 17 and 31, applicant argues that "DoCorpo Nowhere disclose that devices included in the network adaptor hardware, for which device objects are generated, comprise protocol engines". The examiner disagrees since, DiCorpo teaches in (paragraph 66) a Fibre channel protocol process within the router that could represent the protocol engine in communication with the target device 520 in (FIG. 5).

As to claims 3, 16 and 30, applicant argues that " nowhere does the cited Malueg anywhere teach that a power state cannot be altered until all the device drivers representing devices attached to the virtual bus have their power state similarly altered". However, in the same field of endeavor, Malueq discloses a power management architecture including a power manager application interface with function for registering device-specific power state. The power manager executes decision logic whether to altering or not alter power state of a device until certain requirements are met( abstract; paragraph 44; fig. 10, 11 and 12). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Dicorpo's invention with Malueg's invention to use the power state manager decision making process to alter or not alter the power state of a virtual bus, because it would enable a number of diverse interests to be served including prolonging battery life, controlling heat creation. One would have been motivated to use a power state manager in order to avoid wasting energy while transmitting packed data to devices connected to a computer system. .